

Entered - 08/2/01 - sb
CL0110527 - DIANNE C. MITCHELL

CLAIM OF: YLIA LAVENDER,
through her attorney,
Tony L. Axiom
1280 West Peachtree Street
Suite 310
Atlanta, Georgia 30309

01-R -1530

For damages alleged to have been sustained as a result of personal
injuries during the claimant's arrest on September 2, 2000 at 54 Pharr
Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert N. Grey DCA*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0527

Date: September 12, 2001

Claimant /Victim YLIA LAVENDER

BY: (Atty) Tony Axa

Address: 1280 West Peachtree Street, Suite 310, Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated

Date of Notice: 08/20/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 09/03/00 Place: 54 Pharr Road, NE

Department Police Division:

Employee involved Officer R. Bunn Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she was injured when she was arrested by police. An investigation conducted by the Office of Professional Standards in the Police Department did not sustain the allegations alleged by the claimant. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months X Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager  Concur/date 09-12-01

Committee Action: Council Action

AXAM. ADAMS & SECRET, P.A.
A PROFESSIONAL ASSOCIATION OF LAW FIRMS
1280 WEST PEACHTREE STREET
SUITE 310
ATLANTA, GEORGIA 30309



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TONY L. AXAM*
HEKBEKI ADAMS, JR.
AKIL K. SECRET*
GWENDOLYN JOHNSON

*ALSO ADMITTED IN MICHIGAN
*ALSO ADMITTED IN NEBRASKA

ENTERED - 8-22-01 - SB
01L0527 - DIANNE MITCHELL

August 8, 2001

M. Mitchell
08/22/01

Ph

Chief Beverly J. Harvard
City of Atlanta Police Department
55 Trinity Avenue SW
Atlanta, GA 30335

Re: *Ylia Lavender v. Atlanta City Council, Chief of City of Atlanta Police
Department, Officer Raymond Dunn*

Dear Mr. Pitts:

On or about 3 September 2000, Ms. Ylia Lavender was driving in the Buckhead area on Pharr Road in Atlanta, GA. Officer Raymond Bunn of the City of Atlanta Police Department attempted to arrest Ms. Lavender for allegedly violating the Noise Ordinance.

Ms. Lavender was battered about the head and face by Officer Bunn. Officer Bunn assaulted Ms. Lavender with his fist. As a result, Ms. Lavender was severely injured and was taken to Grady Hospital, where she was treated for her injuries.

Although Ms. Lavender was accused of Obstruction of an Officer, Simple Battery against Law Enforcement, Driving without License, Refusing to Comply, and Noise Violation. She was subsequently acquitted of the charges. Ms. Lavender intends to sue the above listed parties and will request in excess of ten million (\$10,000,000) dollars in damages.

Sincerely,

Tony L. Axam

Tony L. Axam
Attorney for Plaintiff

cc: Robert L. Pitts

01-R-1530